

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product of less than 68 percent soluble solids content had been substituted for blackberry preserves.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for blackberry preserves, since it was made from a mixture composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of the saccharine ingredients; and the article was not concentrated by heat to the point where its soluble solids content amounted to at least 68 percent.

DISPOSITION: December 9, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

12937. Adulteration and misbranding of strawberry preserves. U. S. v. 200 Cases * * *. (F. D. C. No. 22686. Sample No. 44683-H.)

LIBEL FILED: March 12, 1947, District of Arizona.

ALLEGED SHIPMENT: On or about January 2, 1947, by the Pacific Coast Packing Co., from San Diego, Calif.

PRODUCT: 200 cases, each containing 24 1-pound jars, of strawberry preserves at Phoenix, Ariz.

LABEL, IN PART: "Imperial Brand Pure Strawberry Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 68 percent soluble solids had been substituted for strawberry preserves.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for strawberry preserves, since the soluble solids content of the product was less than 68 percent, the minimum permitted by the regulations.

DISPOSITION: May 6, 1947. Default decree of condemnation. The product was ordered delivered to charitable institutions.

12938. Misbranding of jelly. U. S. v. 60 Jars * * *. (F. D. C. No. 24329. Sample No. 4661-K.)

LIBEL FILED: February 2, 1948, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 5, 1947, by the Cinnama-Tang Products Co., from Syracuse, N. Y.

PRODUCT: 60 8-ounce jars of jelly at Boston, Mass.

LABEL, IN PART: "8 Oz. Mint Tang Jelly."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product purported to be fruit jelly, mint flavoring and artificial coloring added, and it failed to conform to the definition and standard of identity prescribed by the regulations for such product, since it contained no fruit juice. The regulations provide that fruit jelly, mint flavoring and artificial coloring added, is made from a mixture of 45 parts by weight of the fruit juice ingredient, or a combination of fruit juice ingredients, extracted from apple, crab apple, pineapple, or any two or all of such fruits, to each 55 parts by weight of the saccharine ingredient, to which has been added mint flavoring and harmless green coloring.

Further misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The jars were short-weight.)

DISPOSITION: March 1, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

12939. Adulteration and misbranding of wine vinegar. U. S. v. Anthony Bertola (A. Bertola & Co.). Plea of guilty. Fine, \$400. (F. D. C. No. 20107. Sample Nos. 16723-H, 18022-H.)

INFORMATION FILED: October 28, 1946, Southern District of New York, against Anthony Bertola, trading as A. Bertola & Co.

ALLEGED SHIPMENT: On or about July 30, 1944, and January 22, 1945, from the State of New York into the State of Illinois.

LABEL, IN PART: "Wine Vinegar."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially colored mixture of wine vinegar and acetic acid, or distilled vinegar, had been substituted for wine vinegar; and, Section 402 (b) (3), the product was inferior to wine vinegar, and its inferiority had been concealed by the addition of artificial

color. Further adulteration, Section 402 (b) (4), acetic acid or distilled vinegar had been mixed and packed with the article so as to reduce its quality and strength; and artificial color had been mixed and packed with the article so as to make it appear to be wine vinegar.

Misbranding, Section 403 (a), the label statement "Wine Vinegar" was false and misleading.

DISPOSITION: November 29, 1946. A plea of guilty having been entered, the defendant was fined \$400.

VEGETABLES AND VEGETABLE PRODUCTS*

12940. Adulteration and misbranding of canned asparagus. U. S. v. 153 Cases
* * * (F. D. C. No. 24119. Sample No. 8794-K.)

LIBEL FILED: November 24, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about July 28, 1947, by the J. William Horsey Corporation, from Woodside, Del.

PRODUCT: 153 cases, each containing 6 1-pound, 3-ounce cans, of asparagus at Bronx, N. Y.

LABEL, IN PART: "Apte All green asparagus Cuts Tips Removed * * * J. William Horsey Corporation Tampa 1, Florida."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned asparagus, since it was not sealed in a container and so processed by heat as to prevent spoilage.

DISPOSITION: December 31, 1947. Default decree of condemnation and destruction.

12941. Adulteration of canned pork and beans. U. S. v. Case-Swayne Company, Inc., and Paul W. Case. Pleas of nolo contendere. Corporation fined \$100; Paul W. Case fined \$1. (F. D. C. No. 24080. Sample Nos. 44854-H, 71906-H, 71907-H, 72001-H, 72007-H.)

INFORMATION FILED: March 1, 1948, Southern District of California, against the Case-Swayne Co., Inc., Santa Ana, Calif., and Paul W. Case, president.

ALLEGED SHIPMENT: On or about May 19, 1947, from the State of California into the State of Arizona.

LABEL, IN PART: "Case Swayne Pork and Beans With Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of portions of cooked rat carcass, including rat skin and rodent hairs.

DISPOSITION: March 9, 1948. Pleas of nolo contendere having been entered, the corporation was fined \$100 and the individual defendant was fined \$1.

12942. Adulteration of canned Mexican Style beans. U. S. v. Stokely-VanCamp, Inc. Plea of guilty. Fine, \$350. (F. D. C. No. 23582. Sample No. 76352-H.)

INFORMATION FILED: October 9, 1947, Southern District of Indiana, against Stokely-Van Camp, Inc., Indianapolis, Ind.

ALLEGED SHIPMENT: On or about January 23, 1947, from the State of Indiana into the State of Florida.

LABEL, IN PART: "Van Camp's Mexican Style Beans in Chili Gravy."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of foreign inedible material, such as rocks, woody plant stalks, and thorny burrs.

DISPOSITION: October 31, 1947. A plea of guilty having been entered, the court imposed a fine of \$350.

12943. Adulteration of canned Mexican Style beans. U. S. v. 265 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 23396, 23425, 23761. Sample Nos. 20654-H, 67497-H, 76584-H, 99876-H.)

LIBELS FILED: August 8 and 25, 1947, District of Nebraska and Northern District of Texas.

*See also No. 12985.